

Appl. No.: 10/706,832
Docket No.: DB000972-002
Amdt. Dated: 11 July 2005
Reply to Office action of 13 January 2005

REMARKS

Entry of this amendment is respectfully requested on the grounds that it places claims 1, 2, 3, 7, 8, 9, and 10 in condition for allowance and cancels nonallowed claims 4, 5, 6, and 11.

In response to the various rejections of independent claims 1 and 3, those claims have been amended to recite a memory device carrying instructions which, when executed, perform a method comprising displaying on a numeric, shelf-level display a number that is the number of different variety of items which are carried by the shelf and which are on the list of items to be located. Support for the amendment may be found, for example, at paragraph [0036]. As stated in paragraph [0036], if one item is located on that shelf, the alpha numeric display 48 flashes the number "one". If two items are located, the display flashes the number "two", etc. Thus, if a healthcare worker is looking for Tylenol and ibuprofen, and both of those items are located on the same shelf, the shelf-level display associated with that shelf will display the number two, indicating that two different items to be located are carried by the shelf associated with the shelf-level display.

Turning first to paragraph 4 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,636,780 to Haitin et al ("Haitin"). The portion of Haitin cited by the Examiner does not stand for the proposition of displaying on a numeric, shelf-level display a number that is the number of different variety of items which are carried by the shelf associated with the shelf-level display and which are on a list of items to be located.

In paragraph 6 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,564,803 to McDonald et al ("McDonald"). The Office has not identified any teaching in McDonald that discloses or suggests displaying the number of different variety of items in combination with the other elements of claims 1 and 3.

In paragraph 7 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 5,330,062 to Murphee. It is respectfully submitted that the cited portion of Murphee which refers to displaying "a quantity of items to be picked" (col. 2, lines 41 -42), refers to providing instructions regarding how many items are to be picked, e.g. indicating the number 4 if four ibuprofen are to be picked. In the invention set forth in claims 1 and 3, the number displayed in this example would be 1, indicating that one variety of item (ibuprofen) is located on the shelf.

Appl. No.: 10/706,832
Docket No.: DB000972-002
Amtd. Dated: 11 July 2005
Reply to Office action of 13 January 2005

Turning now to paragraph 8 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 4,783,740 to Ishaziwa. The Office has not identified any teaching or suggestion in Ishaziwa that discloses or suggests displaying the number of different variety of items in combination with the other elements of those claims.

Turning now to paragraph 10 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being obvious in view of U.S. Patent No. 6,151,536 to Arnold et al. ("Arnold"). In Arnold, there is no shelf-level numeric display nor is there any display that is operative to display a number that is the number of different variety of items to be located which are carried by the shelf associated with the display. For example, as discussed at column 9, beginning at line 26, "adjacent each of item buttons 86 is a visual indicator 88 to assist the caregiver in locating a particular item. Alternatively, item buttons 86 may be configured to illuminate, thereby eliminating the need for visual indicators 88." Arnold contains no teaching or suggestion of the subject matter claimed in claims 1 and 3.

In paragraph 11 of the Office action, independent claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being obvious in view of Haitin and Weinberger. The deficiencies of Haitin have been discussed above. It is not seen how the combination of the teachings of these two references makes up for the deficiencies noted above.

In paragraph 12 of the Office action, independent claims 1 and 3 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,151,536 to Arnold et al ("Arnold") and Weinberger. The deficiencies of Arnold have been discussed above. It is not seen how the combination of the teachings of these two references makes up for the deficiencies noted above.

In paragraph 13 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,880,443 to McDonald et al ("McDonald '443") and U.S. Patent Publication 2002/0027507 A1 to Yarin et al ("Yarin"). Neither McDonald '443 nor Yarin discloses or suggests indicating on a numeric display positioned on a shelf within a cabinet the number of different variety of items on the list held by that shelf. Yarin, in paragraph 52, teaches that the number of pills (dosage amount) to be taken can be indicated. That is, of course, different from indicating the number of different variety of pills held by a shelf within a cabinet.

In paragraph 14 of the Office action, independent claims 1 and 3 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Arnold in view of Yarin. The deficiencies of both Arnold and

Appl. No.: 10/706,832
Docket No.: DB000972-002
Amdt. Dated: 11 July 2005
Reply to Office action of 13 January 2005

Yarin had been individually discussed above. It is not seen how the combination of the teachings of these two references makes up for the deficiencies noted above.

In view of the amendments made to the independent claims 1 and 3 and the comments above noting the deficiencies of the various references, it is respectfully submitted that claims 1, 2, 3, 7, 8, 9, and 10 are now in condition for allowance. Accordingly, a notice of allowance for claims 1, 2, 3, 7, 8, 9, and 10 is respectfully requested. If the examiner is of the opinion that the instant application is in condition for disposition other than through allowance, the examiner is respectfully requested to contact applicants' attorney at the telephone number listed below.

Respectfully submitted,



Edward L. Pencoske
Reg. No. 29,688
Thorp Reed & Armstrong LLP
One Oxford Centre, 14th Floor
Pittsburgh, PA 15219-1425
(412) 394-7789
Attorneys for Applicants